

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL CASE NO. 1:13-cv-115

Randy L. Roberts, -7399

Plaintiff,

v.

Carolyn W. Colvin,

Acting Commissioner of Social Security,

Defendant.

ORDER

THIS MATTER IS BEFORE THE COURT on the *Consent Motion for Entry of Order Accepting the Motion for Attorney's Fees Under EAJA* filed on January 21, 2014. The parties agree in this case that Plaintiff should be awarded an attorney's fee under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), in the amount of \$5,805.10.

IT IS ORDERED that the *Consent Motion for Attorney's Fees Under EAJA* is **GRANTED**, to the extent that the Court will award attorney fees in the amount of \$5,805.10 , and that pursuant to *Astrue v. Ratliff*, --- U.S. ---, 130 S. Ct. 2521 (2010), the fee award will first be subject to offset of any debt Plaintiff may owe to the United States. The Commissioner will determine within 30 days of this Order whether Plaintiff owes a debt to the United States. If so, the debt will be satisfied first, and if any funds remain, they will be made payable to Plaintiff and mailed to Plaintiff's counsel.

If the United States Department of the Treasury reports to the Commissioner that the Plaintiff does not owe a federal debt, the government will exercise its discretion and honor an assignment of EAJA fees, and pay the awarded fees directly to Plaintiff's counsel. No additional petition pursuant to 28 U.S.C. § 2412(d) shall be filed.

EAJA allows that fees and expenses are to be paid by the defendant agency; thus the attorney fee awarded to Plaintiff shall be paid by the Social Security Administration.

IT IS SO ORDERED.

Signed: February 26, 2014



Graham C. Mullen
United States District Judge

